



# U.S. FISH AND WILDLIFE SERVICE TRANSMITTAL SHEET

<b>PART</b> 410 FW 1-3 and 411 FW 1-2	<b>SUBJECT</b> Investigations Departmental Investigations Investigations by Other Agencies	<b>RELEASE NUMBER</b> 422
<b>ORIGINATING OFFICE</b> Division of Human Resources		<b>DATE</b> May 9, 2003

## EXPLANATION OF MATERIAL TRANSMITTED:

These chapters provide guidance on the authority and responsibility of Department investigations and the involvement with other Federal agencies.

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Acting DIRECTOR

## FILING INSTRUCTIONS:

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# FISH AND WILDLIFE SERVICE INVESTIGATIONS

## Investigations

## Part 410 Departmental Investigations

### Chapter 3 Service Responsibilities and Procedures for OIG Investigations

410 FW 3

#### 3.1 What are the definitions for terms for Departmental or Service Investigations?

**A. Administrative Inquiry.** An investigatory, factfinding exercise conducted by a competent, objective Service employee(s) at the request of the OIG or appropriate Service officials into allegations of violations of Federal laws, regulations, and employee misconduct. A manager at least one level above the subject's immediate supervisor must conduct the inquiry. For allegations involving division chiefs or above, another Region or an outside contractor must conduct the inquiry.

**B. OIG Investigation.** An official investigation carried out by special agents of the OIG, generally involving suspected violations of criminal and/or civil laws.

**C. OIG Investigative Matter.** A complaint, allegation, or other issue of concern that either the OIG or the Service examines.

**D. Report of Findings/Conclusions.** Written Service report resulting from an administrative inquiry.

**E. Report of Investigation.** Official written report that the OIG prepares to document the findings of a formal investigation.

#### 3.2 Who is responsible for administering the Service's program for Departmental investigations?

**A.** The **Director** is responsible for Servicewide administration and direction of OIG investigative matters within the Service.

**B.** The **Assistant Director - Budget, Planning and Human Resources** in the capacity of Service liaison for OIG investigative matters is responsible for ensuring the proper processing of such matters within the Service.

**C.** The **Chief, Division of Human Resources** is responsible for coordinating the conduct of OIG investigative matters on a Servicewide basis.

**D.** **Regional Directors and Assistant Directors** are responsible for directing the conduct of OIG investigative matters within their respective Region or program area.

**E.** **Employees** are responsible for reporting suspected irregularities to Service officials or the OIG, as appropriate.

**3.3 What is the Service policy for matters requiring police action?** You should report matters requiring immediate police action first to appropriate Federal and/or local law enforcement officials and then to the OIG. Serious

issues necessitating immediate response by law enforcement officials include acts of violence occurring on official premises, acts of depredation, and theft or damage of Government property where there are signs of breaking, entering, or other burglarious activity.

**3.4 How should I report irregularities?** You must immediately report to the OIG known, suspected, or alleged fraud, waste, or abuse affecting the programs and operations of the Department. Ordinarily, you should communicate such information in writing and provide as much detail as possible. Forward information through appropriate channels to the Chief, Division of Human Resources for submission to the OIG. However, if you believe that circumstances warrant a direct referral to the OIG, you may make the complaint directly to the OIG.

**3.5 How do I make a direct referral to the OIG?** If you want to report allegations of waste, fraud, and abuse directly to the OIG, call the Hotline at 1-800-424-5081, or 202-208-5313, or, for the hearing impaired, call 1-800-354-0996. You must refer allegations of serious matters that could embarrass the Department or threaten the integrity of Departmental programs to the Assistant Inspector General for Program Integrity at 202-219-0725. Such matters would include allegations:

**A.** Involving misconduct by supervisory personnel, regardless of grade.

**B.** Against employees at the GS-15 level and above.

**C.** Of felony criminal misconduct or domestic abuse by DOI law enforcement officers.

**3.6 How do I report minor administrative irregularities?** You do not need to report the OIG matters involving minor administrative irregularities, trivial offenses, and simple employee misconduct. Such issues must be examined and disposed of within the Service. Employees who wish to report such allegations should do so through supervisory channels up to the Regional or Assistant Director. These types of matters include, but are not limited to, insubordination, absence without leave (AWOL), drinking on duty, altercations, illegal use of drugs on duty, or minor misuse of Government telephones. If an internal Service inquiry reveals more serious offenses falling under the jurisdiction of the OIG, we must suspend further factfinding and refer the matter to the OIG through appropriate channels as described in paragraph 3.4.

**3.7 How is the Service notified of an OIG investigation?** Ordinarily, the OIG will notify the Service when the investigation begins. Occasionally, to protect the sensitivity of an investigation, the OIG will not give notice until the investigation is complete.

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#### 3.8 How are OIG Reports of Investigation processed?

**A.** After special agents of the OIG conduct a formal investigation, the OIG will forward a Report of Investigation to the Director for evaluation and action by the Service. The Division of Human Resources will forward the report along with guidance on how to proceed, to the appropriate Regional Director or Assistant Director. Appropriate action to be taken relative to a Report of Investigation may include, but is not limited to:

(1) Review of the report findings.

(2) Further inquiry and factfinding beyond that of the OIG.

(3) Corrective action involving office practices and procedures, and/or disciplinary or adverse action against an individual(s).

**B.** Regional Directors and Assistant Directors must report on disposition of the subject matter contained in the Report of Investigation and forward their reply together with the Report of Investigation to the Division of Human Resources for submission to the OIG. Response to a Report of Investigation by a Regional/Assistant Director generally involves completion of the Proposed and Final Action Reports included with the Report of Investigation and must include copies of any documentation substantiating any administrative action taken (e.g., a letter of warning, a notice of removal, or a Standard Form 50).

#### 3.9 How does the Service handle deferred allegations from the OIG?

**A.** Allegations and complaints received by the OIG and subsequently assigned to the Service to handle will be transmitted to the appropriate Regional or Assistant Director as stated in paragraph 3.8, above. The Division of Human Resources will provide instructions concerning the necessary action to be taken.

**B.** Appropriate action relative to allegations referred by the OIG may vary. Allegations may be forwarded for information only with no further action necessary, or they may require an administrative inquiry and report to the OIG.

**C.** When an administrative inquiry is necessary, a manager at least one level above the subject's immediate supervisor must conduct the inquiry. For allegations involving division chiefs or above, another Region or an outside contractor must conduct the inquiry.

**D.** Responses to allegations requiring an administrative inquiry and report must contain the findings of the inquiry and, based on those findings, the office's conclusions regarding substantiation of the allegations. The report must:

(1) Include administrative or corrective action taken including copies of documentation substantiating such action, particularly if the allegations are sustained.

(2) Indicate that based upon the findings of the inquiry and any action taken in connection with the allegations, the subject case is considered closed.

**3.10 What is the Service's policy on incomplete responses to OIG investigative matters?** Where necessary, reports on OIG investigative matters that fail to illustrate that an appropriate administrative inquiry was conducted, fail to adequately address the allegations, or fail to show that some form of administrative/corrective action has been taken when it is blatantly obvious that such a measure is necessary will be returned to the respective Regional/Assistant Director for further action before the matter is closed by the Service.

**3.11 How does the Service conduct an administrative inquiry?** We will limit our evaluation of allegations to an administrative inquiry or factfinding mission. However, a commissioned notary must administer any oath, affirmation, affidavit, or deposition taken in an administrative inquiry. Please note that an oath, affirmation, or deposition is not mandatory in an administrative inquiry.

**3.12 Can disciplinary/adverse action be brought against an employee during the course of an OIG investigation?** Depending upon the specific circumstances involved in an OIG investigation, we may proceed with a disciplinary/adverse action against an employee while an investigation is in progress if the action is warranted and regulatory and procedural requirements can be met. In such situations, you must seek, through the Division of Human Resources, concurrence of the OIG to ensure that the investigation is not jeopardized.

#### 3.13 What is the Service policy regarding handling and release of information?

**A. Handling of OIG Reports of Investigation.** You must keep investigative reports of the OIG properly secured in accordance with the provisions of the Privacy Act of 1974 and instructions included on the cover page of the report. Limit access to reports of investigation and related correspondence to individuals having a specific interest in the cases and who have an official need to know their contents.

**B. Transmittal of Reports of Investigation.** Transmit copies of reports and related material in two sealed envelopes. Mark the inner envelope "TO BE OPENED BY ADDRESSEE ONLY."

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**C. Copies of Reports of Investigation.** You may not reproduce OIG Reports of Investigation or any portion thereof without prior approval from the OIG.

**D. Release of OIG Reports of Investigation.** You may not release a Report of Investigation to the subject of the investigation or to any individual identified therein, or their representatives, without the expressed consent of the OIG. However, an employee does have an entitlement to review a Report of Investigation, or pertinent portions, if the information was used to base a proposed disciplinary/adverse action, after approval is received from the OIG. To request approval from OIG, contact the Division of Human Resources in writing, stating what portions of the report need to be released and why. A written approval statement will be issued specifically stating the portions of the report that can be released.

**E. Freedom of Information Act or Privacy Act Requests.** Requests for copies of OIG Reports of Investigation must be made in writing to the OIG for processing. No release of investigative reports may be made by the Service pursuant to such requests.

**F. Reports of Findings/Conclusions.** Such reports prepared by Service personnel are the property of the Service and, unlike Reports of Investigations, can be released or reproduced, if appropriate, without approval from the OIG.

**3.14 If I make a complaint or provide information to the OIG, will my name remain confidential?** An employee who files a complaint or provides information to the OIG will not have his/her identity disclosed without the individual's consent unless the OIG determines that such disclosure is unavoidable.